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10 Attorneys for Defendant and Counterclaimant

11 International Business Machines Corporation.

12 UNITED STATES DISTRICT COURT

13 SOUTHERN DISTRICT OF CALIFORNIA

14
15 ASUSTEK COMPUTER, INC.

16 Plaintiff,

17 vs.

18 INTERNATIONAL BUSINESS MACHINES
CORPORATION,

19 Defendant,

20 INTERNATIONAL BUSINESS MACHINES
CORPORATION,

21 Counterclaimant

22 vs.

23 ASUSTEK COMPUTER, INC. and ASUS
24 COMPUTER INTERNATIONAL,

25 Counterclaim Defendants,

26 AND RELATED COUNTERCLAIMS.

CASE NO. 08-CV-602-JM (WMc)

DEFENDANT AND COUNTERCLAIMANT
IBM'S REPLY TO COUNTERCLAIMS

DEMAND FOR JURY TRIAL

IBM'S REPLY TO COUNTERCLAIMS

Defendant and Counterclaim Plaintiff International Business Machines Corporation ("IBM"), hereby replies to the Counterclaims of Plaintiff/Counterclaim Defendant/Counterclaim Plaintiff ASUSTeK Computer, Inc. and Counterclaim Defendant/Counterclaim Plaintiff ASUS Computer International (collectively "ASUS") as follows:

Parties

1. Admitted.
2. Admitted.
3. Admitted.

Jurisdiction and Venue

4. Admitted.
5. IBM admits that venue is proper in this district but denies the remaining allegations of paragraph 5 of ASUS's Counterclaims.

First Counterclaim for Relief

6. The replies to paragraphs 1-5 are incorporated herein by reference. IBM further denies the allegations of ASUS's Affirmative Defenses.
7. IBM admits that an actual and justiciable controversy exists between ASUS and IBM regarding the patents at issue, but denies the remaining allegations of paragraph 7 of ASUS's Counterclaims.
8. Denied.

Second Counterclaim for Relief

9. The replies to paragraphs 1-5 are incorporated herein by reference. IBM further denies the allegations of ASUS's Affirmative Defenses.
10. IBM admits that an actual and justiciable controversy exists between ASUS and IBM regarding the patents at issue, but denies the remaining allegations of paragraph 10 of ASUS's Counterclaims.
11. Denied.

Prayer

IBM denies that ASUS is entitled to any relief.

DATED: July 23, 2008

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By /s/ Jeffrey N. Boozell

Jeffrey N. Boozell
Attorneys for Defendant International Business
Machines Corporation

DEMAND FOR JURY TRIAL

In accordance with Federal Rule of Civil Procedure 38(b), Defendant and
Counterclaimant IBM demands a trial by jury on all issues triable by a jury.

DATED: July 23, 2008

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By /s/ Jeffrey N. Boozell

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Attorneys for Defendant International Business
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